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Human resources management

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Seconded active-duty military and police personnel

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on seconded active-duty military and police personnel (A/70/229). During its consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 8 December 2015.

2. The report is submitted pursuant to General Assembly resolution 68/252, in which the Assembly requested the Secretary-General to submit to the Assembly for consideration at the main part of its seventieth session a report regarding developments on the issue and, if necessary, a new proposal. The Assembly also requested the Secretary-General to extend for a further three years the exceptional measures authorized in paragraph 21 of its resolution 67/287 and to intensify his engagement with Member States with a view to identifying alternative solutions for addressing the conflicts between national legislation and the United Nations staff regulations and rules regarding the secondment of active-duty military and police personnel (see also para. 6 below).

Conflict or potential conflict with national legislation

3. In paragraph 5 of his report, the Secretary-General states that, in some instances, national legislation prohibits active-duty military or police personnel from accepting remuneration from an outside organization. He states that, in other cases, the payment of certain benefits to personnel is required for them to remain in active status and that this is in conflict with United Nations staff regulation 1.2 (j),

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which prohibits staff from accepting any honour, decoration, favour, gift or remuneration from any Government.

4. In paragraph 6 of his report, the Secretary-General indicates that the Secretariat circulated to all Member States a note verbale requesting them to provide information on any potential conflicts between their national legislation and the Staff Regulations and Rules that might have an impact on the contractual obligations of active-duty military and police officers holding a United Nations staff appointment. Of the 20 responses received, 12 reported conflicts or potential conflicts; 4 reported that the United Nations compensation package was not as appealing as their nationally legislated compensation package and hence could not attract military and police officers to apply for active-duty posts in the Secretariat; and 4 reported no conflict between national legislation and the Staff Regulations and Rules.

5. In addition, the Secretary-General indicates in paragraph 8 of his report that all 128 active-duty seconded officers serving at Headquarters in October 2014 were requested to complete a survey reporting any payments, benefits and/or allowances that they might be receiving from their national Governments as a result of their active-duty status. Of the 111 responses received, covering 53 Member States, 19 staff members from 9 Member States reported receiving some form of remuneration from their national Governments, consisting of a basic salary, allowances and/or pension contributions.

Exceptional measures implemented by the Secretariat

6. In paragraph 10 of his report, the Secretary-General indicates that the Secretariat has implemented the following exceptional measures on two occasions, according to the terms set out in General Assembly resolution 67/287:

(a) Active-duty seconded officer on temporary appointment, whereby the United Nations salary was paid to the Government, while the staff member continued to receive a salary from his Government, and the content of the declaration under staff regulation 1.1 (b) was modified to address any potential conflict;

(b) Active-duty seconded officer on fixed-term appointment, whereby the salary, post adjustment and allowances were paid to a Government account specified by the staff member and the official travel expenses, including the assignment grant, were paid directly to the staff member's personal account.

Guiding principles and next steps

7. Paragraph 12 of the report contains the guiding principles for resolving the conflict between national legislation and the Staff Regulations and Rules. Upon enquiry, the Advisory Committee was informed that the guiding principles were intended to ensure that no Member State was disadvantaged and that all could participate equally in seconding active-duty military and police personnel, while at the same time ensuring accountability of the seconded personnel to the Secretary-General.

8. In paragraphs 14 to 16 of his report, the Secretary-General indicates that he intends to report back annually to the General Assembly on the issue in the context of his report on the overview of the financing of the United Nations peacekeeping operations. He states that he also intends to request seconded active-duty officers to disclose any remuneration or benefits received from their respective Governments. He also states that because the information received from Member States was not sufficient, it has not been possible to develop a new proposal for addressing conflicts. He therefore requests the Assembly to consider an extension of the application of the exceptional measures. Upon enquiry, the Advisory Committee was informed that the extension was expected to facilitate the submission by Member States of the required information about potential conflicts with national legislation, which would allow the Secretariat to understand the extent of the issue in order to develop proposals and/or mechanisms.

9. In paragraph 13 of his report, under the section on next steps, the Secretary-General indicates that initial recommendations for amending the Staff Regulations and Rules to resolve the conflicts with national legislation are set out in the annex to the report. Upon enquiry, the Advisory Committee was informed that the annex, entitled "Initial recommendations for amending the Staff Regulations and Rules to resolve conflicts relating to secondment", was presented for information only, and not for approval. **The Advisory Committee notes the response rate from Member States to date. The Committee is of the view that the continued engagement of the Secretary-General with Member States should facilitate the development of more concrete proposals in this regard.**

Conclusion

10. In paragraph 17 of his report, the Secretary-General sets out the actions to be taken by the General Assembly, including to:

(a) Take note of the additional information provided in the report on the application of the exceptional measures authorized by the General Assembly in its resolution 67/287;

(b) Consider an extension of the application of the exceptional measures authorized by the General Assembly in its resolutions 67/287 and 68/252 in cases in which national legislation prohibits seconded active-duty military or police personnel from accepting remuneration and benefits from the United Nations or in which national legislation requires that the officer continue to receive certain benefits from the Government;

(c) Request all Member States to cooperate fully with requests for information by the Secretariat on any potential conflicts between their national legislation and the Staff Regulations and Rules as well as on remuneration and benefits provided to active-duty seconded officers.

11. **The Advisory Committee recommends that the requested actions be approved and also recommends that the application of the exceptional measures be extended for up to three years, in order to allow sufficient time for more productive engagement with Member States. The Committee also recommends that the General Assembly request the Secretary-General to continue to intensify his engagement with Member States with a view to**

identifying alternative solutions for addressing the conflicts between national legislation and the United Nations staff regulations and rules regarding the secondment of active-duty military and police personnel.